

The Honorable Kymberly K. Evanson

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MAY 20 2025

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID PADILLA,

Defendant.

NO. CR24-079 KKE

PLEA AGREEMENT

The United States, through Acting United States Attorney Teal Luthy Miller and Assistant United States Attorneys Casey S. Conzatti and Elyne M. Vaught of the Western District of Washington and David Padilla and Mr. Padilla's attorney Phil Brennan enter into the following Plea Agreement, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B).

1. **The Charge.** Defendant, having been advised of the right to have this matter tried before a jury, agrees to waive that right and enters a plea of guilty to the following charge contained in the Indictment.

1 a. Conspiracy to Distribute Controlled Substances, a lesser included
2 offense of Count 1 of the indictment, in violation of Title 21, United States Code,
3 Sections 841(a)(1), 841(b)(1)(B), and 846.

4 By entering a plea of guilty, Defendant hereby waives all objections to the form of
5 the charging document. Defendant further understands that before entering any guilty
6 plea, Defendant will be placed under oath. Any statement given by Defendant under oath
7 may be used by the United States in a prosecution for perjury or false statement.

8 2. **Elements of the Offense.** The elements of Conspiracy to Distribute
9 Controlled Substances, a lesser included offense of Count 1 of the indictment, to which
10 Defendant is pleading guilty are as follows:

11 a. Beginning at a time unknown, but within the past five years, and
12 continuing until on or about May 8, 2024, there was an agreement between two or more
13 persons to distribute controlled substances including cocaine, and fentanyl; and

14 b. The Defendant joined in the agreement knowing of its purpose and
15 intending to help accomplish that purpose.

16 3. **The Penalties.** Defendant understands that the statutory penalties
17 applicable to the offense to which Defendant is pleading guilty are as follows:

18 a. For the offense of Conspiracy to Distribute Controlled Substances, a
19 lesser included offense of Count 1 of the indictment: A maximum term of
20 imprisonment of up to 40 years and a mandatory minimum term of imprisonment
21 of five years, a fine of up to \$5,000,000, a period of supervision following release
22 from prison of at least four years, and a mandatory special assessment of one
23 hundred dollars.

24 **Drug Offense - Proof of Drug Quantity for Mandatory Minimum.** Defendant
25 further understands that, in order to invoke the statutory sentence for the drug offenses
26 charged in the lesser included offense as charged in Count 1 the United States must prove
27 that Defendant's conduct as a member of the narcotics conspiracy charged in the lesser

1 included offense as charged in Count 1 which includes the reasonably foreseeable
2 conduct of other members of the narcotics conspiracy charged in the lesser included
3 offense as charged in Count 1, involved 500 grams or more of mixture or substance
4 containing a detectable amount of cocaine, or 40 grams or more of a mixture or substance
5 containing a detectable amount of fentanyl. Defendant expressly waives the right to
6 require the United States to make this proof at trial and stipulates as a part of this plea of
7 guilty that Defendant's conduct as a member of the narcotics conspiracy charged in the
8 lesser included offense as charged in Count 1, which includes the reasonably foreseeable
9 conduct of other members of the narcotics conspiracy charged in the lesser included
10 offense as charged in Count 1, involved 500 grams or more of mixture or substance
11 containing a detectable amount of cocaine, or 40 grams or more of a mixture or substance
12 containing a detectable amount of fentanyl.

13 Defendant understands that supervised release is a period of time following
14 imprisonment during which Defendant will be subject to certain restrictive conditions and
15 requirements. Defendant further understands that, if supervised release is imposed and
16 Defendant violates one or more of the conditions or requirements, Defendant could be
17 returned to prison for all or part of the term of supervised release that was originally
18 imposed. This could result in Defendant serving a total term of imprisonment greater than
19 the statutory maximum stated above.

20 Defendant understands that as a part of any sentence, in addition to any term of
21 imprisonment and/or fine that is imposed, the Court may order Defendant to pay
22 restitution to any victim of the offense, as required by law.

23 Defendant further understands that the consequences of pleading guilty may
24 include the forfeiture of certain property, either as a part of the sentence imposed by the
25 Court, or as a result of civil judicial or administrative process.

26 Defendant agrees that any monetary penalty the Court imposes, including the
27 special assessment, fine, costs, or restitution, is due and payable immediately and further

1 agrees to submit a completed Financial Disclosure Statement as requested by the United
2 States Attorney's Office.

3 Defendant understands that, if pleading guilty to a felony drug offense, Defendant
4 will become ineligible for certain food stamp and Social Security benefits as directed by
5 Title 21, United States Code, Section 862a.

6 4. **Immigration Consequences.** Defendant recognizes that pleading guilty
7 may have consequences with respect to Defendant's immigration status if Defendant is
8 not a citizen of the United States. Under federal law, a broad range of crimes are grounds
9 for removal, and some offenses make removal from the United States presumptively
10 mandatory. Removal and other immigration consequences are the subject of a separate
11 proceeding, and Defendant understands that no one, including Defendant's attorney and
12 the Court, can predict with certainty the effect of a guilty plea on immigration status.
13 Defendant nevertheless affirms that Defendant wants to plead guilty regardless of any
14 immigration consequences that Defendant's guilty plea(s) may entail, even if the
15 consequence is Defendant's mandatory removal from the United States.

16 5. **Rights Waived by Pleading Guilty.** Defendant understands that by
17 pleading guilty, Defendant knowingly and voluntarily waives the following rights:

18 a. The right to plead not guilty and to persist in a plea of not guilty;

19 b. The right to a speedy and public trial before a jury of Defendant's
20 peers;

21 c. The right to the effective assistance of counsel at trial, including, if
22 Defendant could not afford an attorney, the right to have the Court appoint one for
23 Defendant;

24 d. The right to be presumed innocent until guilt has been established
25 beyond a reasonable doubt at trial;

26 e. The right to confront and cross-examine witnesses against Defendant
27 at trial;

1 f. The right to compel or subpoena witnesses to appear on Defendant's
2 behalf at trial;

3 g. The right to testify or to remain silent at trial, at which trial such
4 silence could not be used against Defendant; and

5 h. The right to appeal a finding of guilt or any pretrial rulings.

6 6. **United States Sentencing Guidelines.** Defendant understands and
7 acknowledges that the Court must consider the sentencing range calculated under the
8 United States Sentencing Guidelines and possible departures under the Sentencing
9 Guidelines together with the other factors set forth in Title 18, United States Code,
10 Section 3553(a), including: (1) the nature and circumstances of the offense(s); (2) the
11 history and characteristics of Defendant; (3) the need for the sentence to reflect the
12 seriousness of the offense(s), to promote respect for the law, and to provide just
13 punishment for the offense(s); (4) the need for the sentence to afford adequate deterrence
14 to criminal conduct; (5) the need for the sentence to protect the public from further
15 crimes of Defendant; (6) the need to provide Defendant with educational and vocational
16 training, medical care, or other correctional treatment in the most effective manner; (7)
17 the kinds of sentences available; (8) the need to provide restitution to victims; and (9) the
18 need to avoid unwarranted sentence disparity among defendants involved in similar
19 conduct who have similar records. Accordingly, Defendant understands and
20 acknowledges that:

21 a. The Court will determine Defendant's Sentencing Guidelines range
22 at the time of sentencing;

23 b. After consideration of the Sentencing Guidelines and the factors in
24 18 U.S.C. 3553(a), the Court may impose any sentence authorized by law, up to the
25 maximum term authorized by law;

26 c. The Court is not bound by any recommendation regarding the
27 sentence to be imposed, or by any calculation or estimation of the Sentencing Guidelines

1 range offered by the parties or the United States Probation Department, or by any
2 stipulations or agreements between the parties in this Plea Agreement; and

3 d. Defendant may not withdraw a guilty plea solely because of the
4 sentence imposed by the Court.

5 7. **Ultimate Sentence.** Defendant acknowledges that no one has promised or
6 guaranteed what sentence the Court will impose.

7 8. **Statement of Facts.** Defendant admits Defendant is guilty of the charged
8 offense. The parties agree on the following facts:

9 a. Beginning at a time unknown, and continuing until at least May 8,
10 2024, the defendant, David Padilla, conspired with others known and unknown to
11 distribute controlled substances, including fentanyl and cocaine, within the Western
12 District of Washington.

13 b. The conspiracy is established by court-authorized interception of
14 wire and electronic communications; surveillance; seizure of drugs and cash; search
15 warrants; undercover purchase; and other evidence, only some of which is outlined
16 below.

17 c. Mr. Padilla obtained controlled substances, including cocaine and
18 fentanyl, through his co-conspirators, and was responsible for redistributing to other
19 individuals. Mr. Padilla was also responsible for providing his co-conspirators with
20 controlled substances, including cocaine.

21 d. On November 27, 2023, investigators intercepted a phone call
22 between Mr. Padilla and his co-defendant Hector Duran Aldaco. During the call, Mr.
23 Padilla told Mr. Duran Aldaco that he needed four kilograms of cocaine. Mr. Duran
24 Aldaco told Mr. Padilla that he would make a call and provide Mr. Padilla two
25 kilograms of cocaine for \$14,500 but he would have to pay for the cocaine upfront. Mr.
26 Padilla inquired as to the quality of the cocaine and Mr. Duran Aldaco indicated that it
27

1 was a good quality. Interceptions indicated that Mr. Padilla received the cocaine the
2 following day.

3 e. On February 10, 2024, investigators intercepted a phone call
4 between Mr. Padilla and an uncharged co-conspirator (hereinafter "UM1"). During the
5 call Mr. Padilla told UM1 that he was currently in Sinaloa, but that he needed many of
6 the "small candies" [fentanyl pills]. Mr. Padilla told UM1 that he needed sixty thousand
7 of the "small ones, the blue colored ones" [fentanyl pills] and that he needed it that day
8 and would have someone pick them up for him.

9 f. On February 11, 2024, investigators intercepted a phone call
10 between Mr. Padilla and co-defendant Alex Ortiz. During the call, Mr. Padilla told Mr.
11 Ortiz that Mr. Duran Aldaco was going to come to the house and get "one" [one
12 kilogram of cocaine]. Mr. Padilla told Mr. Ortiz that Mr. Duran Aldaco was then going
13 to take it to Shoreline, and the return with the money to pay for the kilogram. During
14 that same call Mr. Padilla told Mr. Ortiz that a third individual was going to be at their
15 house and drop off a second kilogram of cocaine.

16 g. On May 14, 2024, investigators executed search warrants at a
17 number of locations associated with members of the DTO, including Mr. Padilla's
18 residence which he also shared with Mr. Ortiz at 31804 47th Avenue South, Auburn, WA
19 98001 (hereinafter the Auburn residence). Inside Mr. Padilla's residence investigators
20 found two digital scales with residue and a kilogram wrapper with residue. Investigators
21 also located approximately 192 gross grams of cocaine in the rooms associated with Mr.
22 Padilla. Mr. Padilla admits that he possessed the controlled substances for the purposes
23 of distribution. Mr. Padilla knowingly conspired and agreed with his co-conspirators to
24 distribute these controlled substances to others for profit.

25 h. Investigators also recovered \$22,569 in U.S. currency from Mr.
26 Padilla's room. Mr. Padilla agrees that this cash was proceeds of the charged drug
27 trafficking conspiracy.

1 i. Additionally, investigators seized one Colt Buntine Revolver, one
2 Palmetto AK-47 Rifle, one Panzer Arms Bull Pup Shotgun, one Beretta 92X Pistol, one
3 Smith & Wesson M&P P15 Rifle, one FNMI FNP9 Pistol, one MFG BCM4 Rifle, one
4 Glock 19 Pistol, fourteen rounds of ammunition, and six magazines in various rooms
5 throughout the residence, all of which facilitated the charged conspiracy to distribute
6 controlled substances.

7 The parties agree that the Court may consider additional facts contained in the
8 Presentence Report (subject to standard objections by the parties) and/or that may be
9 presented by the United States or Defendant at the time of sentencing, and that the factual
10 statement contained herein is not intended to limit the facts that the parties may present to
11 the Court at the time of sentencing.

12 9. **Sentencing Factors.** The parties agree that the following Sentencing
13 Guidelines provisions apply to this case:

14 a. A base offense level of 34 as the relevant conduct involved at least
15 10,000 kilograms but less than 30,000 kilograms of converted drug weight, pursuant to
16 USSG § 2D1.1(c)(3);

17 b. A two-point increase, as a dangerous weapon was possessed
18 pursuant to USSG § 2D1.1(b)(1).

19 The parties agree they are free to present arguments regarding the applicability of
20 all other provisions of the United States Sentencing Guidelines. Defendant understands,
21 however, that at the time of sentencing, the Court is free to reject these stipulated
22 adjustments, and is further free to apply additional downward or upward adjustments in
23 determining Defendant's Sentencing Guidelines range.

24 10. **Acceptance of Responsibility.** At sentencing, if the Court concludes
25 Defendant qualifies for a downward adjustment for acceptance of responsibility pursuant
26 to USSG § 3E1.1(a) and Defendant's offense level is 16 or greater, the United States will
27 make the motion necessary to permit the Court to decrease the total offense level by three

1 levels pursuant to USSG §§ 3E1.1(a) and (b), because Defendant has assisted the United
2 States by timely notifying the United States of Defendant's intention to plead guilty,
3 thereby permitting the United States to avoid preparing for trial and permitting the Court
4 to allocate its resources efficiently.

5 11. **Recommendation Regarding Imprisonment.** Pursuant to Federal Rule of
6 Criminal Procedure 11(c)(1)(B), the United States agrees to recommend that the
7 appropriate term of imprisonment to be imposed by the Court at the time of sentencing is
8 a term no higher than the low-end of the guidelines range as calculated by the Court.
9 Defendant is free to make any recommendation permitted by law. Defendant understands
10 that these recommendations are not binding on the Court and the Court may reject the
11 recommendation of the parties and may impose any term of imprisonment up to the
12 statutory maximum penalty authorized by law. Defendant further understands that
13 Defendant cannot withdraw a guilty plea simply because of the sentence imposed by the
14 Court. Except as otherwise provided in this Plea Agreement, the parties are free to
15 present arguments regarding any other aspect of sentencing.

16 12. **Forfeiture of Assets.** Defendant understands that the forfeiture of assets is
17 part of the sentence that must be imposed in this case. Defendant agrees to forfeit to the
18 United States immediately Defendant's right, title, and interest in any and all property,
19 real or personal, that constitutes proceeds of, and/or facilitated, his commission of
20 Conspiracy to Distribute Controlled Substances, a lesser included offense of Count 1 of
21 the Indictment. This property is subject to forfeiture pursuant to Title 21, United States
22 Code, Section 853, and includes, but is not limited to, the following property:

23 a. \$22,569 in U.S. currency, seized on or about May 14, 2024, from
24 Defendant's residence, located at 31804 47th Avenue South, Auburn, Washington; and

25 b. The following firearms and associated ammunition and accessories,
26 seized on or about May 14, 2024, from Defendant's residence, located at 31804 47th
27 Avenue South, Auburn, Washington:

- i. One Colt Buntine Revolver;
- ii. One Palmetto AK-47 Rifle;
- iii. One Panzer Arms Bull Pup Shotgun;
- iv. One Beretta 92X Pistol;
- v. One Smith & Wesson M&P P15 Rifle;
- vi. One FNMI FNP9 Pistol;
- vii. One MFG BCM4 Rifle;
- viii. One Glock 19 Pistol;
- ix. Fourteen rounds of ammunition; and
- x. Six magazines

Defendant agrees to fully assist the United States in the forfeiture of the above-described property and to take whatever steps are necessary to pass clear title to the United States, including but not limited to: surrendering title and executing any documents necessary to effectuate such forfeiture; assisting in bringing any assets located outside the United States within the jurisdiction of the United States; and taking whatever steps are necessary to ensure that assets subject to forfeiture are not sold, disbursed, wasted, hidden, or otherwise made unavailable for forfeiture. Defendant agrees not to file a claim to any of the above-described property in any federal forfeiture proceeding, administrative or judicial, which may be or has been initiated, and agrees not to assist anyone else in making a claim to this property.

Defendant acknowledges that, in addition to the \$22,569 that law enforcement seized from his room during the above-referenced search, law enforcement also seized approximately \$5,920 from elsewhere in Defendant's residence during the search. Defendant agrees not to file a claim to this \$5,920 in any federal forfeiture proceeding, administrative or judicial, which may be or has been initiated, and agrees not to assist anyone else in making a claim to this currency.

1 The United States reserves its right to proceed against any remaining property not
2 identified in this Plea Agreement, including any property in which Defendant has any
3 interest, if that property facilitated and/or constitutes proceeds of his commission of the
4 offense of Conspiracy to Distribute Controlled Substances, the lesser included offense of
5 that charged in Count 1.

6 13. **Abandonment of Contraband.** Defendant also agrees that, if any federal
7 law enforcement agency seized any illegal contraband, or any other firearms,
8 ammunition, or magazines, that were in Defendant's direct or indirect control, Defendant
9 consents to the federal administrative disposition, official use, and/or destruction of that
10 contraband.

11 14. **Non-Prosecution of Additional Offenses.** As part of this Plea Agreement,
12 the United States Attorney's Office for the Western District of Washington agrees not to
13 prosecute Defendant for any additional offenses known to it as of the time of this Plea
14 Agreement based upon evidence in its possession at this time, and that arise out of the
15 conduct giving rise to this investigation. In this regard, Defendant recognizes the United
16 States Attorney's Office for the Western District of Washington has agreed not to
17 prosecute all of the criminal charges the evidence establishes were committed by
18 Defendant solely because of the promises made by Defendant in this Plea Agreement.
19 Defendant agrees, however, that for purposes of preparing the Presentence Report, the
20 United States Attorney's Office will provide the United States Probation Office with
21 evidence of all conduct committed by Defendant.

22 Defendant agrees that any charges to be dismissed before or at the time of
23 sentencing were substantially justified in light of the evidence available to the United
24 States, were not vexatious, frivolous or taken in bad faith, and do not provide Defendant
25 with a basis for any future claims under the "Hyde Amendment," Pub. L. No. 105-119
26 (1997).

1 15. **Breach, Waiver, and Post-Plea Conduct.** Defendant agrees that, if
2 Defendant breaches this Plea Agreement: (a) the United States may withdraw from this
3 Plea Agreement and Defendant may be prosecuted for all offenses for which the United
4 States has evidence; (b) Defendant will not oppose any steps taken by the United States
5 to nullify this Plea Agreement, including the filing of a motion to withdraw from the Plea
6 Agreement; and/or (c) Defendant waives any objection to the re-institution of any charges
7 that previously were dismissed or any additional charges that had not been prosecuted.

8 Defendant further understands that if, after the date of this Plea Agreement,
9 Defendant should engage in illegal conduct, or conduct that violates any conditions of
10 release or the conditions of confinement (examples of which include, but are not limited
11 to, obstruction of justice, failure to appear for a court proceeding, criminal conduct while
12 pending sentencing, and false statements to law enforcement agents, the Pretrial Services
13 Officer, Probation Officer, or Court), the United States is free under this Plea Agreement
14 to file additional charges against Defendant and/or to seek a sentence that takes such
15 conduct into consideration by requesting the Court to apply additional adjustments or
16 enhancements in its Sentencing Guidelines calculations in order to increase the applicable
17 advisory Guidelines range, and/or by seeking an upward departure or variance from the
18 calculated advisory Guidelines range. Under these circumstances, the United States is
19 free to seek such adjustments, enhancements, departures, and/or variances even if
20 otherwise precluded by the terms of the Plea Agreement.

21 16. **Waiver of Appellate Rights and Rights to Collateral Attacks.** Defendant
22 acknowledges that, by entering the guilty plea required by this Plea Agreement,
23 Defendant waives all rights to appeal from Defendant's conviction, and any pretrial
24 rulings of the Court, and any rulings of the Court made prior to entry of the judgment of
25 conviction. Defendant further agrees that, provided the Court imposes a custodial
26 sentence that is within or below the Sentencing Guidelines range (or the statutory
27 mandatory minimum, if greater than the Guidelines range) as determined by the Court at

1 the time of sentencing, Defendant waives to the full extent of the law any right conferred
2 by Title 18, United States Code, Section 3742, to challenge, on direct appeal, the
3 sentence imposed by the Court, including any fine, restitution order, probation or
4 supervised release conditions, or forfeiture order (if applicable). This includes any
5 procedural challenges to the sentence, including any claim that the procedure employed
6 at sentencing violated Defendant's constitutional rights.

7 Defendant also agrees that, by entering the guilty plea(s) required by this Plea
8 Agreement, Defendant waives any right to bring a collateral attack against the conviction
9 and sentence, including any restitution order imposed, except as it may relate to the
10 effectiveness of legal representation or a claim of prosecutorial misconduct based on facts
11 unknown or not reasonably discoverable prior to entry of the judgment of conviction.

12 Defendant acknowledges that certain claims, including certain claims for
13 prosecutorial misconduct, will be barred by operation of law by virtue of their guilty plea,
14 independently from this Plea Agreement. This waiver does not preclude Defendant from
15 bringing an appropriate motion to address the conditions of Defendant's confinement or
16 the decisions of the Bureau of Prisons regarding the execution of Defendant's sentence.

17 If Defendant breaches this Plea Agreement at any time by appealing or collaterally
18 attacking (except as to claims not subject to the waiver, above) the conviction or sentence
19 in any way, the United States may prosecute Defendant for any counts, including those
20 with mandatory minimum sentences, that were dismissed or not charged pursuant to this
21 Plea Agreement.

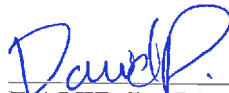
22 17. **Voluntariness of Plea.** Defendant agrees that Defendant has entered into
23 this Plea Agreement freely and voluntarily, and that no threats or promises were made to
24 induce Defendant to enter a plea of guilty other than the promises contained in this Plea
25 Agreement or set forth on the record at the change of plea hearing in this matter.

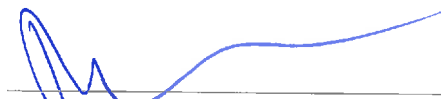
26 18. **Statute of Limitations.** In the event this Plea Agreement is not accepted by
27 the Court for any reason, or Defendant breaches any of the terms of this Plea Agreement,


1 or Defendant withdraws from this Plea Agreement after it has been accepted by the
2 Court, the statute of limitations shall be deemed to have been tolled from the date of the
3 Plea Agreement to: (1) thirty days following the date of non-acceptance of the Plea
4 Agreement by the Court; or (2) thirty days following the date on which a breach of the
5 Plea Agreement by Defendant is discovered by the United States Attorney's Office; or
6 (3) thirty days following the grant of a motion to withdraw from the Plea Agreement.

7 19. **Completeness of Plea Agreement.** The United States and Defendant
8 acknowledge that these terms constitute the entire Plea Agreement between the parties,
9 except as may be set forth on the record at the change of plea hearing in this matter. This
10 Plea Agreement binds only the United States Attorney's Office for the Western District
11 of Washington. It does not bind any other United States Attorney's Office or any other
12 office or agency of the United States, or any state or local prosecutor.

13 Dated this 20th day of May, 2025.

14
15 
16 DAVID PADILLA
Defendant

17 
18 PHIL BRENNAN
19 Attorney for Defendant

20 
21 VINCENT T. LOMBARDI
22 Assistant United States Attorney

23 
24 CASEY S. CONZATTI
25 ELYNE M. VAUGHT
26 Assistant United States Attorneys
27